IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 823 of 2005

Shaikh Abdul Hamid .. Appellant

versus

Santoshh H. Keni & anr. .. Respondents

...

Mr.Rakesh Pandey for the appellant.

Mr.S.B. Prabhavalkar for the respondent no.1.

Mr.H.S.S. Murthy for the respondent no.2.

CORAM : B.H. MARLAPALLE,J

DATED : 14th September 2005

P.C.:

1. Heard the learned counsel for the appellant plaintiff.

2. By the impugned order dated 1st July 2005, Notice of Motion no.443 of 2005 filed in S.C. Suit No.2602 of 2005 was made returnable on 26.8.2005 but the prayer for ad-interim relief was refused. The plaintiff had claimed possession of the suit

structure/premises on the basis of the rent receipt and the trial court noted that it was not signed by the landlord. It is also admitted that the landlord is not impleaded as one of the defendants in the suit. The reasoning set out by the Court below in declining to grant ad-interim relief cannot be termed as perverse or erroneous.

3. Admittedly, Notice of Motions no.2443 of 2005 is now adjourned to 7.10.2005 and it is ready for hearing.

4. Hence, the appeal is dismissed in limine and the hearing of the Notice of Motion is expedited.

B.H. MARLAPALLE, J